

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**FAO-968-2011 (O&M)
Date of decision: 12.10.2022**

Farida Begum and others

....Appellants

Vs.

Jitender Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Krishan Singh, Advocate
for the appellants.

Mr. Rajneesh Kumar Malhotra, Advocate
for respondent No.3.

ARVIND SINGH SANGWAN, J. (Oral)

Challenge in this appeal is to the award dated 16.08.2010 passed by the MACT, Yamuna Nagar, vide which the claim petition filed by the appellants-claimants was dismissed.

Learned counsel for the appellants submits that primary reason for dismissal of the claim petition is that despite availing number of opportunities, the appellants could not lead the evidence and the Tribunal, by observing that since the appellants-claimants have not examined any witness, decided all three issues against them.

Learned counsel for respondent No.3-Insurance Company has

not disputed the aforesaid factual position.

After hearing learned counsel for the parties, considering the fact that provisions of Section 166 of Motor Vehicles Act are part of a beneficial legislation to help the victims of accident, where they have lost bread-earner or have suffered injuries and in that eventuality, the Tribunal was not justified in dismissing the claim petition only on the ground that despite giving three opportunities to the appellants-claimants, no evidence has been produced and in fact, the Tribunal should have granted some more opportunities to the appellants-claimants to prove their case, this appeal is allowed and the award dated 16.08.2010 is set aside. The matter is remanded back to the MACT, Yamuna Nagar to decide afresh, in accordance with law, after granting adequate opportunity afresh to lead the evidence.

The parties are directed to appear before the MACT, Yamuna Nagar on or before 15.11.2022.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

12.10.2022

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Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No